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Macy's Retail Holdings, Inc., Charles A. Abt,
Robert E. Gisolfi

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TEFCO, LLC, a limited liability
company,

Plaintiff,

v.

MACY'S RETAIL HOLDINGS, INC.,
f/k/a FEDERATED RETAIL
HOLDINGS, INC., a corporation;
CHARLES A. ABT, an individual;
GUY A. ARCHBOLD, an individual;
STEVEN C. LAGORIO, an individual;
ROBERT E. GISOLFI, an individual; and
DOES 1-50,

Defendants.

Case No. C 09-03698 CW

Hon. Claudia Wilken
Courtroom 2

**JOINT STIPULATION AND
~~[PROPOSED]~~ ORDER TO REMAND
THE CASE TO STATE COURT**

Date Filed: September 8, 2009

1 Plaintiff TEFCO, LLC (“Plaintiff”) and defendants Macy’s Retail Holdings, Inc.,
2 Charles Abt, and Robert Gisolfi (collectively referred to as “Removing Defendants”) by
3 and through their respective attorneys of record hereby agree and stipulate as follows:

4 WHEREAS Removing Defendants were unaware that California resident
5 defendants Guy A. Archibald and Steven C. Lagorio had been served hours before the
6 filing of the Notice of Removal to federal court;

7 WHEREAS Plaintiff filed a motion to remand;

8 WHEREAS Plaintiff and Removing Defendants now agree that it is proper to
9 remand the case to state court; and

10 WHEREAS Plaintiff and Removing Defendants further agree that nothing herein
11 shall constitute a waiver of any responses of any of the defendants or Plaintiff nor does it
12 constitute a general appearance of Charles Abt who may contest that the state court has
13 jurisdiction over him; and

14 In the event that this Court does not remand this case to state court as requested by
15 this stipulation and proposed order, Plaintiff and Removing Defendants agree that they
16 will continue the hearing dates on their pending motions. The hearing dates will be set
17 such that there will be at least twenty-one days to file responses.

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Therefore, IT IS HEREBY STIPULATED by and between Plaintiff and Removing Defendants, through their undersigned counsel of record, that this case should be remanded to state court.

DATED: September 8, 2009

KNOTT & GLAZIER, LLP

By: /s/ Deborah M. Parker
Deborah M. Parker

Attorneys for Plaintiff,
TEFCO, LLC

DATED: September 8, 2009

THOMAS WHITE LAW & TYLER LLP

By: /s/ Brian Douglas Henri
Brian Douglas Henri

Attorneys for Defendants,
MACY'S RETAIL HOLDINGS, INC.;
CHARLES A. ABT; ROBERT E. GISOLFI

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that this case is remanded to state court.

DATED: September 14, 2009

By: _____

